

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTIETH LEGISLATURE

THIRTY-SEVENTH LEGISLATIVE DAY
TUESDAY, FEBRUARY 16, 2010

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Cameron, Malepeai, and Pearce, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Hannah Schwarz, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 15, 2010, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 16, 2010

The JUDICIARY AND RULES Committee reports that [S 1355](#), [S 1356](#), [S 1357](#), [S 1358](#), [S 1359](#), [S 1360](#), [S 1361](#), [S 1362](#), [S 1363](#), [S 1364](#), [S 1365](#), [S 1366](#), [S 1367](#), [S 1368](#), [S 1369](#), [SCR 116](#), [SCR 117](#), [SCR 118](#), and [SJM 104](#) have been correctly printed.

DARRINGTON, Chairman

[S 1355](#) and [S 1356](#) were referred to the Resources and Environment Committee.

[S 1357](#), [S 1358](#), [S 1359](#), [S 1360](#), and [S 1361](#) were referred to the Transportation Committee.

[S 1362](#) and [S 1363](#) were referred to the Health and Welfare Committee.

[S 1364](#), [S 1365](#), [S 1366](#), [S 1367](#), and [S 1368](#) were referred to the Education Committee.

[S 1369](#) was referred to the Health and Welfare Committee.

On request by Senator Schroeder, granted by unanimous consent, [SCR 116](#) and [SCR 118](#) were referred to the Resources and Environment Committee.

On request by Senator Lodge, granted by unanimous consent, [SCR 117](#) was referred to the Health and Welfare Committee.

On request by Senator Corder, granted by unanimous consent, [SJM 104](#) was referred to the Agricultural Affairs Committee.

February 15, 2010

The RESOURCES AND ENVIRONMENT Committee reports out [S 1282](#), [S 1283](#), [S 1284](#), [S 1285](#), [S 1286](#), and [S 1328](#) with the recommendation that they do pass.

SCHROEDER, Chairman

[S 1282](#), [S 1283](#), [S 1284](#), [S 1285](#), [S 1286](#), and [S 1328](#) were filed for second reading.

February 15, 2010

The EDUCATION Committee reports out [S 1338](#) and [SJM 103](#) with the recommendation that they do pass.

GOEDDE, Chairman

[S 1338](#) was filed for second reading.

[SJM 103](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 12, 2010

The EDUCATION Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Nick Hallett to the Public Charter School Commission, term to expire May 12, 2010.

GOEDDE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 15, 2010

The JUDICIARY AND RULES Committee reports out [H 421](#) and [H 422](#) with the recommendation that they do pass.

DARRINGTON, Chairman

[H 421](#) and [H 422](#) were filed for second reading.

February 15, 2010

The HEALTH AND WELFARE Committee reports out [S 1320](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

LODGE, Chairman

There being no objection, [S 1320](#) was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Tenth Order of Business.

Motions and Resolutions

At this time Senator Davis arose on a point of personal privilege to announce that a distinguished visitor had arrived, and the President Pro Tempore appointed Senators Fulcher and

Kelly to escort The Honorable Walt Minnick, United States Congressman, into the Senate Chamber where he addressed the members of the Senate.

The President Pro Tempore thanked Congressman Minnick for his remarks and Senators Fulcher and Kelly escorted him from the Chamber, and the Committee was discharged.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1370

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO EXEMPTIONS FROM ATTACHMENT; AMENDING SECTION 11-605, IDAHO CODE, TO PROVIDE ADDITIONAL EXEMPTIONS AND VALUE OF CERTAIN PERSONAL PROPERTY AND DISPOSABLE EARNINGS FROM ATTACHMENT; AND DECLARING AN EMERGENCY.

S 1371

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO PRODUCER LICENSING; AMENDING SECTION 41-1037, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS AND PURPOSE RELATING TO BAIL AGENTS; AMENDING SECTION 41-1038, IDAHO CODE, TO PROVIDE DEFINITIONS AND TO FURTHER DEFINE TERMS; AMENDING SECTION 41-1039, IDAHO CODE, TO REVISE REQUIREMENTS AND AUTHORITY RELATING TO THE LICENSING OF BAIL AGENTS; AMENDING CHAPTER 10, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1039A, IDAHO CODE, TO PROVIDE NOTICE REQUIREMENTS; AMENDING SECTION 41-1040, IDAHO CODE, TO CLARIFY THE DEPARTMENT OF INSURANCE'S RESPONSIBILITY RELATING TO A SURETY PERFORMANCE BOND; AND AMENDING SECTION 19-2918, IDAHO CODE, TO PROVIDE A PROCEDURE TO STAY A CERTAIN OBLIGATION, TO GRANT THE ADMINISTRATIVE DISTRICT JUDGE AUTHORITY TO ORDER THE SHERIFFS AND CLERKS OF CERTAIN COUNTIES NOT TO ACCEPT THE POSTING OF NEW BAIL BONDS FROM CERTAIN SURETY INSURANCE COMPANIES AND TO PROVIDE A PROCESS AND REQUIREMENTS FOR ADDRESSING A POTENTIAL SUSPENSION OF A BAIL AGENT'S LICENSE.

S 1372

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO ASSAULT AND BATTERY; AMENDING SECTION 18-915, IDAHO CODE, TO REVISE PROVISIONS RELATING TO ASSAULT OR BATTERY UPON CERTAIN PERSONNEL.

S 1370, S 1371, and S 1372 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

H 384 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Pearce. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared H 384 passed, title was approved, and the bill ordered returned to the House.

H 385 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heinrich arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Pearce. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared H 385 passed, title was approved, and the bill ordered returned to the House.

S 1308 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Pearce. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [S 1308](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1265](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Acting Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Brackett. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [S 1265](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1266](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Acting Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Brackett. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [S 1266](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1310](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Brackett. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [S 1310](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1313](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Brackett. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [S 1313](#) passed, title was approved, and the bill ordered transmitted to the House.

At this time Senator Davis arose on a point of personal privilege to announce that a distinguished visitor had arrived, and the President Pro Tempore appointed Senators Stegner and Bock to escort The Honorable Jim Risch, United States Senator, into the Senate Chamber where he addressed the members of the Senate.

The President Pro Tempore thanked Senator Risch for his remarks and Senators Stegner and Bock escorted him from the Chamber, and the Committee was discharged.

[S 1314](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Brackett. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [S 1314](#) passed, title was approved, and the bill ordered transmitted to the House.

President Pro Tempore Geddes called Senator Cameron to the Chair.

[S 1315](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Brackett, Geddes. Total - 2.

Total - 35.

Whereupon the Acting President declared [S 1315](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1306](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Brackett. Total - 1.

Total - 35.

Whereupon the Acting President declared [S 1306](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1248](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Brackett. Total - 1.

Total - 35.

Whereupon the Acting President declared [S 1248](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1250](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie,

Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Brackett. Total - 1.

Total - 35.

Whereupon the Acting President declared [S 1250](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1251](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator McKenzie disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Schroeder, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 31.

NAYS—Mortimer, Siddoway. Total - 2.

Absent and excused—Brackett, Geddes. Total - 2.

Total - 35.

Whereupon the Acting President declared [S 1251](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, [S 1323](#) retained its place on the Third Reading Calendar for one legislative day.

[H 397](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Brackett. Total - 1.

Total - 35.

Whereupon the Acting President declared [H 397](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12:05 p.m. until the hour of 10 a.m., Wednesday, February 17, 2010.

ROBERT L. GEDDES, President Pro Tempore

[February 16, 2010

SENATE JOURNAL

5

Attest: JEANNINE WOOD, Secretary